



March 30, 2012

Deborah A. Jeon
Legal Director
ACLU of Maryland
3600 Clipper Mill Rd.
Suite 350
Baltimore, MD 21211

Re: PIA Requests dated March 6, 16 and 23, 2012

Dear Ms. Jeon:

This response is on behalf of the Office of the County Executive. The Police Department custodian will further respond with respect to files maintained by that Department.

In response to your Public Information Act requests, the staff of the Office of the County Executive was canvassed for documents potentially responsive to your request. First and foremost, no records were identified that indicate the existence of, or relate to, an "Enemies List" as has been suggested by some to have been compiled by anyone in the Office of the County Executive or anyone in the Police Department.

Moreover, an exhaustive search for responsive records within the Office of the County Executive did not result in the identification of any additional files, or "dossiers" on the specific individuals identified in your requests, including James Benoit, Daryl D. Jones, Alan H. Legum, Lewis A. Bracy, Dr. Kevin Maxwell, Eugene Peterson, Joan M. Harris, Karla R. Hamner, John M. Singleton, Jacqueline Boone Allsup, Mike Shay, Mayor Joshua J. Cohen, Laurie Garvey, Donald H. Dwyer or Eric Scott. Accordingly, there are no additional records available for production responsive to your above referenced requests.

As you know, three files were produced previously from the files of the Executive Protection Unit pertaining to Carl O. Snowden, Thomas Redmond and Joanna Conti. It should be noted that several of the named individuals are elected officials or are current or former County employees and have had occasional communications in those capacities regarding County business. From the context of your requests, we do not understand you to be seeking routine County business communications or personnel files of employees. The Public Information Act generally does not permit disclosure of personnel files, but they are available

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for inspection upon the request of the individual employee.

Sincerely,

A handwritten signature in black ink, appearing to read "D. A. Abrams", written in a cursive style.

David A. Abrams

Director of Communications

Cc: John R. Hammond, CAO
The Baltimore Sun
The Capital-Gazette

*Colonel James Teare Sr.
Chief of Police*



*John R. Leopold
County Executive*

Police Department
8495 Veterans Hwy.
Millersville, Md. 21108
(410) 222-8050

March 30, 2012

Deborah Jeon, Legal Director
American Civil Liberties Union of Maryland
3800 Clipper Mill Road, Ste 350
Baltimore, Maryland 21211

Re: PIA Requests dated March 6, 16 and 23, 2012

Dear Ms. Jeon,

This letter provides an additional response to MPIA request made by the ACLU dated March 6, 2012, and a response to the ACLU's supplemental requests of March 16, and 23, 2012. I am responding to these requests as the custodian of records for the Police Department.

First and foremost, please be advised that we have found no records that relate to an "Enemies List" alleged to have been compiled by anyone in the Office of the County Executive or anyone in the Police Department. In the records maintained in the office of the Executive's drivers, we did locate a set of records constituting a security listing that was compiled prior to December 4, 2006 and during the Owens' and prior administrations, referred to as "the red list". As these records are not responsive to the time set forth in your request, we are not providing these records, which might also otherwise be subject to denial.

Please find attached a number of policies and agreements responsive to your requests with regard to MD. CODE ANN., Public Safety, §3-701 (m); MD. CODE ANN., Crim. Proc. § 10-217; and the creation, retention, and dissemination of records concerning the investigation of criminal activities.

With regard to the named individuals listed in your three requests, we have located no additional records or files (additional to those already produced) that were created or maintained by the police officers while performing their duties on behalf of the Executive other than those that pertain to the pending criminal proceedings undertaken by the State Prosecutor's Office, which likely constitute evidence in that matter, and which will not be released at this time pursuant to § 10-618(f) of the MPIA.

We have located no records of directions given with regard to the creation or maintenance of this category of records, other than what may appear on the records created by the drivers themselves or in records that pertain to pending criminal proceedings undertaken by the State Prosecutor's Office, which likely constitute evidence in that matter, and which will not be released at this time pursuant to § 10-618(f) of the MPIA. To ensure that we have done a complete search, we are also conducting an e-mail search as described below.

The officers assigned to the Executive's detail after December 4, 2006 created and maintained a number of records regarding other individuals and groups, who were not identified by the ACLU, while performing their duties on behalf of the Executive. Aside from the files already produced, these records consist of 30 files and 3 sets of other loose records. Of these records not yet disclosed, I am denying your request for access to 22 of these files and 2 sets of loose records, pursuant to 10-618 (f) of the Maryland Public Information Act, because these records were created and maintained for law enforcement investigative purposes and do not concern any of the people who you have named as persons-in-interest. Your request is granted with regard to 8 files and 1 set of loose records, which will be made available for your inspection and copying. Some of these records will contain redactions related to the denial of personnel information under § 10-616(i). One of these files (which appears to have been created for law enforcement purposes but could not be confirmed at this time to have been created for this purpose) will also contain redactions of criminal history records information as provided for under § 10-615 of the MPIA and MD. ANN. CODE, CRIM. PROC. § 10-210, *et seq.*

The officers assigned to the Executive's detail, while not working on this detail were assigned to perform intelligence activities for law enforcement purposes. With the exception of the following records created by these or other officers, our intelligence records are not responsive to your request:

- Kevin Maxwell – investigation of threats made against Dr. Maxwell
- James Benoit – (1) investigation of threats made against Councilman Benoit
- Carl Snowden – (1) concerning security arrangements for the visit of Dr. Benice King and (2) closure of a hate crime complaint
- Lewis Bracey – concerning security arrangement for the appearance of Rev. Wright-Allsup
- Jacqueline Boone Allsup - concerning security arrangement for the appearance of Rev. Wright-Allsup
- Thomas Redmond – concerning an investigation of threats against a citizen alleged to have been witnessed by a person who identified himself as Mr. Redmond's brother

If any of the named persons-in-interest would like to inspect the records that refer to him or her, we will review the records for necessary redactions and make the records available for inspection to the extent that any disclosure would not interfere with ongoing law enforcement interest under § 10-618(f) of the MPIA.

The Police Department intelligence unit also maintained a record of the biographical information posted from the State's and the County's website about the executive and council officials, which includes Councilmen Benoit and Jones and is enclosed.

Other records regarding or referring to the persons named in your request located within the Police Department are treated separately below in terms of the MPIA.

(1) Records of business correspondence to and/or from Jacqueline Allsup, Daryl Jones, James Benoit, and Thomas Redmond; a PIA request from Joanna Conti; and business correspondence from Ms. Allsup regarding Eric Scott. Although these records do not seem to meet the focus of your requests, arrangements can be made for their inspection.

(2) Records possibly concerning the pets belonging to Daryl Jones, Thomas Redmond, John Singleton, and Eric Scott. Although these records do not seem to meet the focus of your requests, arrangements can be made for their inspection.

(3) Records of complaints filed against police officers by Jacqueline Allsup, Joan Harris, Thomas Redmond, Carl Snowden, and Eric Scott. Although these records do not seem to meet the focus of your requests, disclosure is denied as these constitute personnel records of the officers who are the subject of these complaints under §10-616(i) of the MPIA.

(4) Personnel records of Karla Hamner and Eric Scott, which will be provided through inspection to the named individual and person-in-interest.

(5) Litigation records concerning Karla Hamner and Eric Scott, which will not be provided under § 10-615 (1) of the MPIA as they constitute privileged and confidential materials and records under the attorney-client and work product privileges.

(6) Records from the Department's Central Records Unit (such as 911 calls, calls for service, reports of crimes, motor vehicle accidents, etc.) were identified that relate to or concern Joanna Conti, Carl Snowden, Donald Dwyer, Michael Shay, Alan Legum, Daryl Jones, Donald Dwyer, Kevin Maxwell, Eric Scott, Eugene Peterson, Jacqueline Allsup, James Benoit, Joan Harris, Laurie Garvey, and Lewis Bracy. There were not records identified related to Joshua Cohen or Karla Hamner. Without a date of birth, I cannot be sure whether records exist that refer to the John Singleton and Thomas Redmond identified in your request, as these names are too common to adequately narrow down our search. For the records located to date, these records will be provided to the named person-in-interest through inspection, which will entail a review ahead of time and may require redactions which will be noted at the time of inspection.

Finally, we have made a request to have the Department's e-mails to be searched with search terms to include the names of the members of the Executive's security detail and those in their chain-of-command after December 4, 2006, cross-referenced to the named persons-in interest under your request. This search will require additional time and is estimated to be completed by April 23, 2011. Please advise if the additional time required to meet your request fully is acceptable to you. Presently we have a number of PIA searches that are occurring at the same time so we ask you agree to the requested extension of time.

Arrangements for inspection of the records identified for disclosure may be made through Christine Ryder, Central Records Manager, 410-222-3034.

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Please be advised that if you disagree with this denial, you may seek judicial review under § 10-623 of the MPIA.

Sincerely,

A handwritten signature in black ink, appearing to be "Scott Davis", written over the printed name.

Lieutenant Scott Davis

Cc: Chief James Teare
Christine Ryder, Records Manager
Baltimore Sun
The Capital Newspaper